

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

ANN LEE BUTLER
Administratively consolidated with
JAMES M. BUTLER No. 02-44221

CASE NO. 02-44217

DEBTOR

**TRUSTEE'S
FINAL REPORT AND PROPOSED DISTRIBUTION**

Charles R. Chesnutt, trustee of the above-named bankruptcy estate, certifies under penalty of perjury that the trustee has faithfully and properly fulfilled the duties of his office and that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper and consistent with the law and the rules of court. The trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, application for compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document once filed, constitutes my valid signature for the purposes of 11 U.S.C. §704(9) and Fed. R. Bankr. Proc. 9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation and Report of Proposed Distribution be approved.

Date: Tuesday, May 24, 2005

Respectfully submitted by,

/s/ Charles R. Chesnutt

Charles R. Chesnutt

A Professional Corporation

18333 Preston Road, Suite 500

Dallas TX 75252 Texas Bar 04186800

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TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced moneys from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521 (1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The Trustee has examined each and every claim filed and noted her approval of claims as filed, or she has filed objections to allowance or requests for reclassification.
8. The Trustee further requests that after final distribution of all moneys in accordance with the Trustee's Report of Final Distribution, and upon filing of a Supplemental Final Report and Account and certification by the U.S. Trustee the Trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: December 4, 2004

/s/ Charles R. Chesnutt
Charles R. Chesnutt, Trustee

SCHEDULE A – Trustee’s Status Report and Application for Commission

Status Report

FINAL ACCOUNT AS OF MAY 16, 2005:

A. Receipts	\$679,815.48
B. Disbursements	
1. Secured Creditors	\$0
2. Administrative	\$93,314 (per court order 4/13/2005)
3. Priority	\$0
4. Other	\$8695.54 (per court order 4/13/2005)
Total disbursements	\$102,009.54
TOTAL	\$577,805.94
Interest earned	\$ 8,397.98
C. Current Balance	\$586,203.92

FORM 1

INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASESCase No.: 02-44221Trustee Name: Charles ChesnuttCase Name: James Butler

Date submitted: _____

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled Property)	Petition/ Unscheduled Values	Value Determined by Trustee Less Liens and Exemptions	Property Abandoned	Sale/ Funds Received by the Estate	Asset Fully Administered/Value of Remaining Assets (Yes or Dollar Amount of Remaining Assets)
1 720 Denton County	381,695.00				FA
2 Checking	305.00				FA
2 Tools	500.00				FA
4 Clothing, etc	1,020.00				FA
5 Insurance Pol.	-7,125.00				FA
6 Vehicles	3,000.00				FA
7 Computer	500.00				FA
8 Dog	20.00				FA
9 Judgement (u)				3,500.00	FA

Value of
Remaining Assets

TOTALS

3,500.00FA(Total Dollar Amount
in Column 6)

Major activities affecting case closing which are not reflected above.

Matters Pending

Date of Hearing or Sale

Other Action

Projected Date of Final Report _____

FORM 1

INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASESCase No.: 02-44217Trustee Name: Charles ChesnuttCase Name: Ann Butler

Date submitted: _____

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled Property)	Petition/ Unscheduled Values	Value Determined by Trustee Less Liens and Exemptions	Property Abandoned	Sale/ Funds Received by the Estate	Asset Fully Administered/Value of Remaining Assets (Yes or Dollar Amount of Remaining Assets)
1 4113 Durbin Dr	118,000.00				FA
2 Checking	480.00				FA
3 House Hold Gds	2,995.00				FA
4 Insurance Pol.	4,800.00				FA
5 Annuities	923,831.38			676,315.48	FA
6 Cadillac	4,000.00				FA
7 Office Equip.	70.00				FA
8 Interest				8,397.98	

Value of
Remaining Assets

TOTALS

684,713.46FA(Total Dollar Amount
in Column 6)

Major activities affecting case closing which are not reflected above.

Matters Pending

Date of Hearing or Sale

Other Action

Projected Date of Final Report _____

Form II

Cash Receipt and Disbursement Record

Case Name: Butler, Ann & Butler, James

Bank Name: Jefferson Bank

Case Number: 02-44217

Account Number: 0034005199

ID Number: 75-2642860

Administratively
Consolidated

Date	Check or Ref. #	Paid to/ Received From	Description	Deposit	Disbursement	Balance
						0.00
8-12-04	5	Pacific Life	Annuity	544,369.01		544,369.01
8-30-04	5	The Hartford	Annuity	131,946.47		676,315.48
8-31-04	8	Jefferson Bank	Interest	426.55		676,742.03
9-30-04	8	Jefferson Bank	Interest	776.59		677,518.62
10-31-04	8	Jefferson Bank	Interest	803.40		678,322.02
11-30-04	8	Jefferson Bank	Interest	819.18		679,141.20
12-31-04	8	Jefferson Bank	Interest	868.41		680,009.61
1-31-05	8	Jefferson Bank	Interest	924.07		680,933.68
2-02-05	9	Washington Mutual	Judgement	3,500.00		684,433.68
2-28-05	8	Jefferson Bank	Interest	941.18		685,374.86
3-31-05	8	Jefferson Bank	Interest	1,455.25		686,830.11
4-27-05	1004	Charles Chesnutt	Attorney Fees	0.00	102,009.54	584,820.57
4-30-05	8	Jefferson Bank	Interest	1,383.35		586,203.92

Trustee's Compensation

Computation of Compensation

Total disbursements to other than the debtor are:

Pursuant to 11 U.S.C. 326, compensation is computed as follows:

25% of First \$5,000	=	\$1250
10% of Next \$45,000	=	\$4500
5% of Next \$950,000	=	\$31300
3% of Balance	=	\$0

Calculated Total Compensation: \$37,050

Plus Adjustment:

Total Compensation: \$37,050

Less Previously Paid:

Total Compensation Requested: \$37,050

Trustee Expenses

Premium on Trustee's Bond: (already paid pursuant to court order)

Travel

Copies

Postage

Telephone Charges

Clerical/Secretarial

Paralegal Assistance

Supplies/Stationary

Distribution Expenses

Professional Expenses

Other Expenses

Other Expenses 2

Subtotal Expenses:

Plus Adjustment:

Total Expenses:

Less Previously Paid:

Total Expenses Requested:

The undersigned Trustee certifies under penalty of perjury that the foregoing is true and correct to the best of his/her knowledge and requests the United States Trustee to approve this report and accounts and requests the Court to provide for notice and opportunity for a hearing under 11 U.S.C. 330(a), 502(b), and 503(b) and to thereafter award final compensation or reimbursement of expenses and to make final allowance for the purposes of distribution to claims, administrative expenses, and other payments stated in this report and account.

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted and allowance of \$37,050 as compensation and \$0 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

SCHEDULE C
EXPENSES OF ADMINISTRATION

	AMOUNT CLAIMED	AMOUNT PAID	AMOUNT DUE
1. 11 U.S.C. Sec, 507(a)(1) <u>Court Cost and Fees</u> A. Notice & Claim Fee \$ B. Adv. Filing fees C. Quarterly Chapt. 11			
2. 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of Estate</u> A. Transportation B. Storage C. Wages D. Estates share FICA E. Insurance F. Other (itemize) G. Chapt. 11 Trade Airborne Express			
3. 11 U.S.C. Sec, 503(b)(2) <u>Post-Petition Taxes</u> <u>And related penalties</u>			
4. 11 U.S.C. Sec. 503(b)(2) <u>Compensation and</u> <u>Reimbursement</u> A. Trustee Fees 37050.00 B. Trustee Expenses C. Attorney to Trustee 93314.00 D. Expenses for Attorney 8695.54 to Trustee E. Attorney for Debtor F. Auctioneer Fees G. Auctioneer Expenses		93314.00 8695.54	37050.00
5. Other (Itemize)			
TOTAL -----		\$0	

SECURED CLAIMS

Claim # Amount	Claimant	Amount Claimed	Amount Not Determined	Amount Allowed	Previously Paid		Due
NONE							
Total Approved Secured Claims \$							

SCHEDULE E

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES IN THE FOLLOWING ORDER OF PRIORITY

(1) Claim No.	(2) Amount Claimed	(3) Amount Allowed	(4) Amount Paid	(5) Amount Due
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NONE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

ANN LEE BUTLER
Administratively consolidated with
JAMES M. BUTLER No. 02-44221

CASE NO. 02-44217

DEBTOR

AGREED ORDER REGARDING CLAIMS OF TORT CLAIMANTS

On this day the Court considered the *Trustee's Objection to Claims of Tort Claimants* and finds that the motion is well taken and should be granted. It is therefore

ORDERED as follows:

The Tort Claimants are Curtis Lacey, Rhonda Lacey, Amanda Lacey, David Beatty, Torchie Beatty, Tina Belt-Jones, Linda Call, Shawn Call and their attorneys, Jerry Patchen and William Camp. The Tort Claimants, shall have the following aggregate allowed unsecured claims against both of the above captioned consolidated estates, such that each allowed claim shall be the total allowed against both estates for the listed claimant and all other claims of all Tort Claimants shall be disallowed:

Claimants: Rhonda Lacey, Curtis Lacey, Jerry Patchen and Bill Camp
Allowed Claim: \$391,575.94

Claimants: Amanda Lacey, Jerry Patchen and Bill Camp
Allowed Claim: \$588,688.50

Claimants: **Torchie Beatty, David Beatty and Bill Camp**
Allowed Claim: \$35,754.00

Claimants: **Tina Belt-Jones and Bill Camp**
Allowed Claim: \$33,239.75

Claimants: **Linda Call and Bill Camp**
Allowed Claim: \$17,300.09

Claimants: **Shawn Call and Bill Camp**
Allowed Claim: \$33,239.75

The following claims shall be wholly disallowed:

In the case of James Butler

Claim No. 8. Filed by Jerry Patchen in the amount of \$419,333.29

Claim No. 14. Filed by Jerry Patchen in the amount of \$588,668.50.

Claim No. 15. Filed by Jerry Patchen in the amount of \$391,575.94.

Claim No. 20. Filed by William Camp in the amount of \$178,512.38

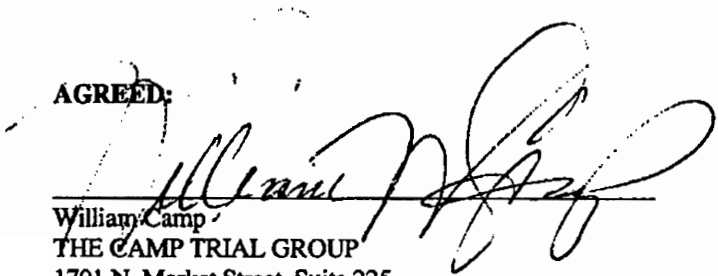
In the case of Ann Lee Butler

Claim No. 7. Filed by Jerry Patchen in the amount of \$419,333.29

Signed on 5/20/2005

Brenda T. Rhoades SD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

AGREED:



William Camp
THE CAMP TRIAL GROUP
1701 N. Market Street, Suite 225
Dallas, TX 75202
214.638.8400 Fax 214.282.6912

Jerry Patchen
PATCHEN AND MITCHAM
1400 Congress
Houston, TX 77002-2136
713.222.2000 Fax 713.222.2329

We the undersigned claimants agree to the terms of this Court Order and we understand and agree that any check made to our order will conform to this Court Order and each check for each claim shall be made to the order of all of the above listed claimants for that claim.

Rhonda Lacey

Curtis Lacey


Amanda Lacey

Torchie Beatty

David Beatty

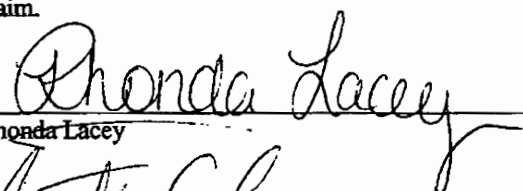
AGREED:

William Camp
THE CAMP TRIAL GROUP
1701 N. Market Street, Suite 225
Dallas, TX 75202
214.638.8400 Fax 214.282.6912

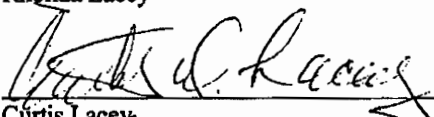


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1400 Congress
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Rhonda Lacey



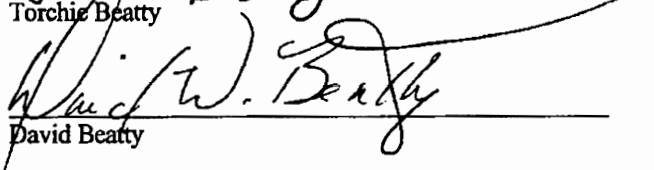
Curtis Lacey



Amanda Lacey



Torchie Beatty



David Beatty

Tina Belt-Jones
Tina Belt-Jones

Linda Call
Linda Call

Shawn Call
Shawn Call

/s/ Charles R. Chesnutt
Charles R. Chesnutt
A Professional Corporation
18333 Preston Road, Suite 500
Dallas, TX 75252 Texas Bar 04186800

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COUNSEL FOR CHAPTER 7 TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

ANN LEE BUTLER
Administratively consolidated with
JAMES M. BUTLER No. 02-44221

CASE NO. 02-44217

DEBTOR

TRUSTEE'S REPORT OF PROPOSED FINAL DISTRIBUTIONS

The undersigned Trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all objections to the Trustee's Final Report, all applications for compensation and all other matters which must be determined by the Court before final distribution can be made.
2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution unless written objection hereto is made, filed and served on the Trustee and on the United States Trustee.
3. No other claims shall be paid, the estate shall be closed after the final distribution and all other claims, if any, shall be disallowed.
4. The James Butler estate received \$3500 in addition to the exemptions settlement (that applied to both estates). A determination of the difference due to the non-tort unsecured claimants of the James Butler estate would require a motion to determine the amount of tort claims to be attributed to each estate. The difference is approximately \$110 and is by far outweighed by the cost of litigation, so the trustee has abandoned the issue and split the difference evenly.

1. BALANCE ON HAND	\$586,203.92
2. ADMINISTRATIVE EXPENSES TO BE PAID	
a. Trustee's statutory commission	\$ 37,050.00
b. CPA	\$ 3,185.00
c. SECURED CLAIMS TO BE PAID	\$0

3. PRIORITY CLAIMS TO BE PAID	\$0
4. UNSECURED CLAIMS TO BE PAID:	

Claimant (payees on each check)	Claim	Percent	Distribution
Rhonda Lacey, Curtis Lacey, Jerry Patchen and Bill Camp	\$391,757.94	0.352829147	\$192,633.75
Amanda Lacey, Jerry Patchen and Bill Camp	\$588,688.50	0.530190814	\$289,467.71
Torchie Beatty, David Beatty and Bill Camp	\$35,754.00	0.032201143	\$17,580.82
Tina Belt-Jones and Bill Camp	\$33,239.75	0.029936732	\$16,344.53
Linda Call and Bill Camp	\$17,300.09	0.015580989	\$8,506.74
Shawn Call and Bill Camp	\$33,239.75	0.029936732	\$16,344.53
Bank One	\$1,297.23	0.001168325	\$637.87
Ted Pasley	\$3,412.50	0.003073402	\$1,677.98
Capital One	\$696.81	0.000627568	\$342.63
Capital One	\$3,363.32	0.003029109	\$1,653.80
Capital One	\$1,583.38	0.00142604	\$778.57
TOTAL	\$1,110,333.27	1	545968.92

5. OTHER DISTRIBUTIONS TO BE PAID	\$0
6. TOTAL DISTRIBUTIONS TO BE MADE	\$549,153.92
7. BALANCE AFTER ALL DISTRIBUTIONS	\$0

Dated: Tuesday, May 24, 2005

/s/ Charles R. Chesnutt

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

ANN LEE BUTLER
Administratively consolidated with
JAMES M. BUTLER NO. 02-44221

§
§
§

CASE NO. 02-44217

DEBTOR
Chapter 7

**ORDER APPROVING TRUSTEE'S FINAL REPORT
AND ALLOWING COMPENSATION**

The Trustee has filed a Final Report along with Applications for Compensation and a Report of Proposed Distribution. Notice of the filing of such Final Report and Applications were given to the creditors in this proceeding and any objections, if filed, have been resolved. After having reviewed said Final Report and Applications, it is hereby ordered that the Final Report is approved and trustee is authorized to make disbursements with his Report of Proposed Distribution and also as described below:

Charles Chesnutt, Trustee, is allowed compensation of \$37,050.00, of which \$0.00 has previously been paid.

DATE: _____

Honorable Brenda T. Rhoades
United States Bankruptcy Judge